

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN MCMANUS,

Plaintiff,

v.

COUNTY OF LEHIGH, JACOB E
HAMMOND, CHAD L BURRY, JAY
JENKINS, KAREN SCHULAR and
ROBERT L. STEINBERG,
Defendants.

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CIVIL NO. 23-464

ORDER

AND NOW, this **29th** day of **March, 2024**, upon consideration of Defendant Chad Burry's Motion to Dismiss (ECF No. 4), and the Motion to Dismiss Plaintiff's Complaint Filed on Behalf of Judicial Defendants (ECF No. 8), it is hereby **ORDERED** as follows:

1. The Defendants' motions are **GRANTED IN PART** and **DENIED IN PART**. They are granted to the extent that the Plaintiff failed to adhere to Federal Rules of Civil Procedure 8 and 12(b)(6), and his complaint is being dismissed without prejudice with leave to amend. The Defendants' motions are denied in that the Court has afforded the Plaintiff an opportunity to file an amended complaint.

2. The Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to comply with Federal Rules of Civil Procedure 8 and 12(b)(6).

3. To the extent the complaint is asserting a "quo warranto" claim, the Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** for failure to state a plausible claim under Rule 12(b)(6).

4. The Plaintiff is granted leave to file an amended complaint no later than **May 3, 2024**. Any amended complaint may *not* assert a quo warranto claim or seek relief in the form of

the issuance of a writ of quo warranto.

5. If the Plaintiff does not wish to amend his Complaint and instead intends to stand on his submission as originally filed, he may file a notice with the Court by May 3, 2024, stating that intent, at which time the Court will issue a final order dismissing the case. *See Weber v. McGrogan*, 939 F.3d 232 (3d Cir. 2019). Any such notice should be titled “Notice to Stand on Complaint,” and shall include the civil action number for this case

6. If the Plaintiff fails to file any response to this Order, the Court will conclude that he intends to stand on his Complaint and will issue a final order dismissing this case.

BY THE COURT:

/s/ Kai N. Scott
HON. KAI N. SCOTT
United States District Court Judge